Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JASON T. MURAR
and
JOHN F. MURPHY

Appeal No. 2002-0922
Application No. 09/305,531

ON BRIEF

Before PAK, DELMENDO, and POTEATE, Administrative Patent Judges.

DELMENDO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal under 35 U.S.C. § 134 (2002) from the examiner's final rejection of claims 1 through 4 in the above-identified application.[1] Claims 5 through 8, which are the only other pending claims, have been withdrawn from further consideration pursuant to 37 CFR § 1.142(b)(1959).

manufacturing an air bag cover assembly. Further details of this appealed subject matter are recited in representative claim 1 reproduced below:

> 1. A method of manufacturing an air bag cover assembly, the method comprising:
> providing a front panel, a back plate, a switch and infrared-absorbing material separate from either the front panel or the back plate;
> positioning the front panel and the back plate so that the inner surfaces of the front panel and the back plate define a switch pocket therebetween;
> positioning the switch in the switch pocket;
> directing infrared radiation at the infrared-absorbing material for a time sufficient to heat the infrared-absorbing material to a desired temperature;
> controlling the amount of heat applied to the infrared-absorbing material by the infrared radiation; and
> cooling the heated infrared-absorbing material, the cooled material fixedly securing the back plate to the front panel.

The examiner relies on the following prior art references as evidence of unpatentability:

Swartz	5,151,149	Sep. 29, 1992
Kauer	5,685,561	Nov. 11, 1997
Grimm	5,840,147	Nov. 24, 1998

Claims 1, 2, and 4 on appeal stand rejected under 35 U.S.C.

reverse the aforementioned rejection.

The examiner correctly found (answer, pages 4-5) that Kauer describes a method for making a thermoplastic air bag cover assembly comprising: (i) positioning front and back panels so that the surfaces of the panels are adjacent to one another; (ii) positioning a thermoplastic electromagnetic material in channels between the adjacent inner surfaces; (iii) positioning a switch in a switch pocket between the adjacent inner surfaces and the channels; (iv) establishing an electromagnetic field about the positioned material for a time sufficient to melt the material within the channels; (v) forcing the adjacent inner surfaces together to cause the molten material to flow within the channels and cause the surface layers of the front and back panels defining the channels to melt; and (vi) allowing the molten material and the molten surface layers to cool and solidify. (Figure 4; column 3, line 5 to column 4, line 26.) According to the examiner (answer, page 5), Kauer does not teach the use of infrared energy on an infrared-absorbing material as recited in appealed claim 1.

(i.e., bonding using infrared energy on an infrared-absorbing material) to join the front and back panels. We cannot agree.

None of the applied prior art references provide any teaching, motivation, or suggestion that would have led one of ordinary skill in the art to combine Kauer and Grimm in the manner as proposed by the examiner. In this regard, the examiner is correct in pointing out that Grimm describes certain advantages in using an infrared-absorbing material to bond plastics. (Column 1, line 12 to column 3, line 15.) But none of these advantages are relevant to Kauer's disclosed method. For example, Grimm teaches that electromagnetic welding, which is the bonding method described in Kauer, may be undesirable because "[e]xposure to a high frequency alternating current source causes the ferromagnetic particles to respond and melt the surrounding plastic material." (Column 1, lines 46-49.) This effect, however, is exactly what is intended in Kauer. (Column 4, lines 4-8.) ACS Hosp. Systems, Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984)("Obviousness cannot be established by combining the teachings of the prior art

suggestion or incentive to do so.").

With respect to the examiner's argument (answer, page 7) that infrared bonding and electromagnetic welding would work equally well, we note that Kauer teaches: "The bonds between the front and back panels 12 and 24, even though occupying a small amount of surface area, are strong enough to prevent the foil switch 24 from exiting its switch pocket 20 during air bag deployment." (Column 6, lines 19-23.) The examiner has not identified sufficient evidence to establish that infrared bonding as described in Grimm would be equivalent with electromagnetic welding in Kauer's air bag cover assembly manufacturing method.

For these reasons, we are constrained to reverse the examiner's rejection under 35 U.S.C. § 103(a) of appealed claims 1, 2, and 4 as unpatentable over Kauer in view of Grimm and Swartz.

The decision of the examiner is reversed.

REVERSED

Chung K. Pak Administrative Patent Judge	)	
Romulo H. Delmendo Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
Linda R. Poteate Administrative Patent Judge	)	

Appeal No. 2002-0922
Application No. 09/305,531

DAVID R SYROWIK
BROOKS & KUSHMAN PC
1000 TOWN CENTER 22ND FL
SOUTHFIELD MI 48075-1351